

Coordinated Development In

MOWER COUNTY

AUSTIN, MINNESOTA

55912



507-437-9527

AUSTIN-MOWER COUNTY PLANNING DEPARTMENT

May 3, 1988

MINUTES OF THE MOWER COUNTY PLANNING COMMISSION REGULAR MEETING

Members Present: Bob Shaw, Jen Ulwelling, Steve Wieland, Herb Hanson, Oliver Hillier, Joe Monsen, Bob Werner

Members Absent: Gary Braaten, John Hill

Others Present: Katie Losness

Chair Monsen called the meeting to order at 8:00 p.m. on Tuesday, May 3, 1988, in Conference Room I of the Mower County Courthouse in Austin, Minnesota. The minutes of the March 29, 1988, meeting were approved as mailed on a motion made by Mrs. Ulwelling, seconded by Mr. Wieland and passed unanimously.

CUP 375 - Additional Farm Dwelling in the Rural Zone - Melvin Kramer: Ms. Losness read the staff report. Melvin Kramer is requesting a conditional use permit for an additional farm dwelling on property owned by him in the SW 1/4 of Section 21 in Adams Township. Surrounding land use is agricultural and the zoning is rural. Mr. Hanson told the Commission that he and Chair Monsen were out to the property on the investigation and he saw nothing wrong with the request except that Mr. Kramer doesn't have any immediate plans to build. Mr. Monsen asked Ms. Losness if there would be any problem if the Commission approved it now and two years later Mr. Kramer decides to build the house. Ms. Losness replied that the Planning Department would have record of the permit and didn't see any problem in granting it now. Mr. Kramer told the Commission he plans to build 20-30 rods off the highway and access would be off the township road. Mr. Monsen made a motion to approve the conditional use permit for an additional farm dwelling. The motion was seconded by Mr. Hillier and passed unanimously. Ms. Losness announced that it would be heard by the County Board of Commissioners on May 11th at 4:00 p.m.

Page two
Mower County Planning Commission Minutes
May 3, 1988

CUP 376 - Extraction of Sand in the Rural Zone - Raymond Wheeler: Ms. Losness read the staff report. Mr. Wheeler is requesting a conditional use permit for sand extraction from his property in Section 15 of Austin Township (N 1/2, NW 1/4, NE 1/4 & SW 1/4, NW 1/4). Surrounding land use and zoning is as follows: North is open space - zoned rural; South is open space and gravel pit - zoned rural; East is residential - zoned rural; and West is agricultural - zoned rural.

Mr. Wheeler explained that he is planning to breed, train and board horses so he needs to remove sand to bring it down to grade for his track. He told the Commission he will help with dust control and he wants to get along with his neighbors.

Nancy Heimsness, who shares a fence line with Mr. Wheeler, told the Commission that she was concerned about the devaluation of her property, traffic in the area, and the general noise, dust and commotion that this would cause. She said it's a quiet area and the township road cannot handle the traffic. She also said that the old pit on the property has not been in use for at least twenty years.

Steve Morgan, who lives on the south side of the township road, agreed with Ms. Heimsness on the traffic problem, the condition of the road and the dust problem. Stan Voss, Route 4, Box 2, owns property adjoining Mr. Wheeler's and expressed his concern about how close the sand removal would be to his fence.

Louise Lingbeck, area resident, told the Commission that Mr. Wheeler has already illegally removed sand with Wally Bustad. She felt that after the sand is removed, there will be a hole that will need to be filled, and she feared there would be another landfill. Mrs. Lingbeck said it is a rural neighborhood that she doesn't want disrupted. Wally Bustad responded that he has not illegally removed sand from the property.

Del Lingbeck, area resident, said he felt the sand should stay on the property because the road can't handle it. He complained about the Bustad pit in the area and said a black top road is needed and thinks Mr. Wheeler should pay for it. Mr. Hillier told those assembled that the Minnesota Department of Transportation is coming out to check on the possibility of making the township road 30 miles per hour limit.

Page three
Mower County Planning Commission Minutes
May 3, 1988

Mary Morgan, area resident, said that the road was like a washboard after the previous week's snowstorm and that it can't help the road to have more traffic. Ruby Klingfus, 4th St. S.E., said she doesn't live in the area but came to support her friends in objecting to this rezoning. Chair Monsen clarified that this is not a rezoning but rather a request for a conditional use permit for sand extraction.

Mr. Wheeler stated that he wants to make it clear that he doesn't want a pit. He wants to breed, raise and train horses. He said their property values won't go down and Mr. Bustad's pit has nothing to do with his request.

Chair Monsen asked Mr. Wheeler if he is planning to level the land off to the level of the existing track. Mr. Wheeler replied that yes he would be bringing it down to grade. Chair Monsen asked how far his removal would be from the fences. Mr. Wheeler assured that he would be 100 feet from the fence on the east side.

Mrs. Heimsness asked how much slope there would be from the existing fence line. Mr. Wheeler replied that he would be replanting so there would be no erosion and he has already put in drains.

Mr. Wieland asked for an approximate foot level of the grade and Mr. Wheeler told him approximately six feet and there would be no hole left. Mrs. Ulwelling asked Mr. Wheeler if he would be finished removing sand as soon as the track was finished. Mr. Wheeler said yes.

Mr. Hillier asked how long Mr. Wheeler thought this would take. Mr. Wheeler said that off the top of his head he figured by October but doesn't want to be tied to a date because he doesn't want it done half way. He may need to stockpile if he has to on the south side of the barn.

Mr. Werner asked if the sand would be removed and the topsoil on by October. Mr. Wheeler said yes. Mr. Hanson said the issue of the township road should be handled by the township officials.

Mr. Shaw asked Mr. Wheeler for his word that the removal of sand is only until the track is completed. Mr. Wheeler assured him of this. Mr. Shaw also asked that Mr. Hillier, as a township official, should evaluate the road.

Page four
Mower County Planning Commission Minutes
May 3, 1988

Mr. Werner made a motion that the Commission recommend approval with the following conditions:

- 1) Soil erosion and runoff will be controlled in an acceptable fashion approved by the Mower County Soil & Water Conservation Office.
- 2) When excavation and removal of operations or either of them are completed, a layer of arable topsoil, of a quality approved by the Soil & Water Conservation District shall be spread over the excavated area, except exposed rock surfaces, to a minimum depth of 5 inches in accordance with the approved contour plans. The area shall be seeded with perennial grass and maintained until the area is stabilized and approved by the Soil & Water Conservation District.
- 3) The petitioner shall be responsible for maintaining and repairing any damage that is done to the township road during the operation of the sand pit to the satisfaction of the Austin Township Board.
- 4) A \$10,000 performance bond must be posted with the County Auditor.
- 5) This permit shall be reviewed in November, 1988 and expires in August, 1989.
- 6) The removal of sand be limited to the excavation necessary to facilitate construction of the race track as proposed to the Commission.

The motion was seconded by Mrs. Ulwelling and passed unanimously. Ms. Losness announced that the County Board hearing would be May 11th at 4:00 p.m.

CUP 377 - Auction Facility in the Rural Zone - Tom Bartholomew: Ms. Losness read the staff report. Mr. Bartholomew is requesting a conditional use permit to operate an auction barn on his property in Section 12, Austin Township (W 2178 ft, N 200 ft, S 1084 ft, SW 1/4). Surrounding land use and zoning is: to the North, South and East it is Agricultural, zoned Rural; and to the West is residential, zoned Rural.

Page five
Mower County Planning Commission Minutes
May 3, 1988

Mr. Bartholomew told the Commission that he plans to operate the auction barn every other Saturday from 10:00 a.m. - 6:00 p.m. and alternating Thursdays 2:00 p.m. - 6:00 p.m. There would be dealer auctions and parking would be provided in the back of the barn with consignment on Saturdays.

Mrs. Ulwelling asked if there would be livestock to which Mr. Bartholomew responded no. Mr. Wieland asked if they would be storing anything on the property. Mr. Bartholomew said that the items would be hauled in the day before and hauled out no later than the day after.

Mr. Hillier asked if there would be cars auctioned. Mr. Bartholomew said there would be very few, if any, and assured him that it would not be a used car lot. Ann Newman, who lives next door, said she has no objection to this at all.

Larry Bunker, who lives south of the property and shares a driveway with Mr. Bartholomew, said he has kids and horses and foresees problems of blockage of the driveway, keeping parking off the highway and stated that he will have to lock up his horses because of public safety and his liability.

There was discussion regarding parking along the highway and Mr. Bartholomew said he could have a person standing at the highway to direct people where to park. He also promised to make sure that the driveway was never blocked. Wayne Baldner, who lives across the highway, was concerned that customers would park along the service drive and use it as a turnaround. He was also concerned about the safety of children in the area. Perry Byam, who also lives across the highway, said that it was a residential community and there would be a problem with people parking along the service drive and blocking their driveways.

Mrs. Ulwelling asked if this would be a year-round operation. Mr. Bartholomew said that it depended on the weather. He would also haul gravel in for the parking area so that it could be used in wet weather.

Kurt Potach, who lives south of the barn in question, also expressed concern about the residential area being disrupted. He would like it to stay residential and was also concerned about the potential traffic problem.

Page six
Mower County Planning Commission Minutes
May 3, 1988

Don Hummel, area resident, said that there is already a body shop, cabinet shop, and junk yard in the area and would see no problem with this because Mr. Bartholomew is providing parking.

The Commission discussed the fact that it would be a fair-weather parking lot that would cause traffic problems. Mr. Werner asked if it would be entirely in the barn and Mr. Bartholomew told him it would.

Mr. Hanson made a motion to recommend denial of the permit because it would be disruptive to the lifestyle of the residential area. The motion was seconded by Mr. Wieland and passed unanimously. Ms. Losness said the Board would hear the petition on May 11th at 4:00 p.m.

CUP 378 - Gravel Pit in the Rural Zone - Ulland Brothers & Ervin Nelson: Ms. Losness read the staff report. Ulland Brothers are requesting a conditional use permit to remove gravel from Ervin Nelson's property in Section 34 of Pleasant Valley Township (SE 1/4 exc. W 462 ft, E 1287 ft, N 577 ft, S 1006 ft). Surrounding Land Use is agricultural and zoning is rural.

Chair Monsen related to the Commission that the on-site investigation showed the site to be quite a bit off the road and could see no harm in it.

Ken Johnson of Ulland Brothers told the Commission that it would be for the I-90 project as there are no other projects at the time. Wayne Curley, Grand Meadow Township Officer, asked what roads would be used to haul it out. Mr. Johnson said that they would go west out of a hole in the fence directly to I-90 and this has been approved by the State. Mr. Hillier was concerned about traffic problems but Mr. Johnson said there would be no obstruction.

Mr. Ulwelling made a motion to recommend approval of the request with the following conditions:

- 1) A gate shall be located at the entrance and be closed and locked when the gravel pit is not in operation.
- 2) An approved, authorized, reflectorized "No Trespassing" sign shall be posted at the entrance.

Page seven
Mower County Planning Commission Minutes
May 3, 1988

- 3) Soil erosion and runoff will be controlled in an acceptable fashion approved by the Mower County Soil & Water Conservation Office.
- 4) A \$10,000 performance bond must be posted with the County Auditor.
- 5) When the pit is in operation, the petitioner shall be responsible for daily dust control.
- 6) No excavation or stockpiling of gravel be within 20 feet of all property lines or 40 feet from the right-of-way.
- 7) When excavation and removal of operations or either of them are completed, the excavated area shall be graded so that no gradients in disturbed earth shall be steeper than a slope of 3:1 (horizontal:vertical). A layer of arable topsoil, of a quality approved by the Soil & Water Conservation District shall be spread over the excavated area, except exposed rock surfaces, to a minimum depth of five inches in accordance with the approved contour plan. The area shall be seeded with perennial grass and maintained until the area is stabilized and approved by the Soil & Water Conservation District.
- 8) This permit shall expire in May, 1990.

The motion was seconded by Mr. Shaw and passed unanimously. Ms. Losness announced that the County Board hearing would be May 11, 1988, at 4:00 p.m.

Rezoning from Rural to Commercial - Grand Meadow Grain Company/Thomco Corporation: Ms. Losness read the staff report. Grand Meadow Grain Company is requesting that a parcel in Grand Meadow Township (W 293 ft, N 707 ft, E 1/2 of the SW 1/4 of Section 24) be rezoned from rural to commercial. Surrounding land use and zoning is as follows: North and South is Agricultural and zoned Rural; East is a Cemetery and zoned Rural; and West is residential and commercial and zoned Commercial.

Jim Anderson, of Grand Meadow Grain Company, spoke in favor of the rezoning as he felt it was a natural fit and the use is consistent with surrounding land. It would not be a spot zone and logical for Grand Meadow to have an industrial park. He doesn't see a large change in the traffic pattern. Randy Queensland offered the Commission a booklet with pictures of the facility for their review. Bob Thompson, Thomco Corporation, assured the Commission that dust control is regulated by OSHA. They don't want to anger neighbors and will keep the area clean. He felt it should be approved as a continuation of the existing commercial zone.

Page eight
Mower County Planning Commission Minutes
May 3, 1988

Wayne Curley, Grand Meadow Township Official, gave the Commission another letter of recommendation that the rezoning be approved.

Patsy Clement, whose house is adjacent to the property, told the Commission she had been assured the house was not zoned commercial. She has a 20 year wind break that protects her from the other commercial property in the area. She also said that Thomco hasn't always taken care of the property. There are other businesses in the office building and expressed concern about anhydrous ammonia. She told the Commission that it's what will come once it is zoned commercial that she is concerned about. There would be a loss of control over what will go on the property in the future once it is rezoned.

Ms. Losness said that minutes from the original rezoning of the Clements property and air photos show the house is zoned commercial. George Erickson, an investor of the Grand Meadow Grain Company, said that they would maintain the property and be a good neighbor. They don't have any intention of changing the use of the property from the grain operation. They don't have any anhydrous ammonia stored on the property.

Mr. Anderson said the issue is that there is very little property in the county zoned commercial. He told the commission that they have no plans to weigh anhydrous ammonia. There would be no additional construction on the site he said.

Mr. Hanson asked if their true intention wasn't to buy and sell grain. Mr. Queensland said they intended to run it as a public elevator. Mr. Hanson said that they had received a number of letters for approval but feared the loss of control.

Ms. Losness told the commission that a rezoning isn't the only option, they could operate as desired with a conditional use permit. Mr. Queensland said that all of their competitors are already zoned commercial and they felt it was necessary for them as well. Howard Sturm, who shares office space with them for his realty office, didn't want to be limited by a conditional use permit.

Mr. Hansen then made a motion to recommend approval of the rezoning from rural to commercial because of all of the favorable letters of supporting the change of zone. The motion was seconded by Mr. Shaw and passed unanimously. Ms. Losness announced that the Board would hear the request on May 11th at 4:00 p.m.

Page nine
Mower County Planning Commission Minutes
May 3, 1988

CUP 320 - Motorcycle Restoration Business in the Rural Zone - Cindy Huff-Nelson: Ms. Losness read the staff report. This was a continuation of the hearing of January, 1988, in which a temporary permit was issued. Ms. Huff-Nelson is requesting the renewal of a conditional use permit for a motorcycle restoration business in Austin Township (S 42 rods, N 60 rods, W 1/2, W 1/2, SW 1/4, NE 1/4 of Section 6). After discussion with the County Attorney, staff recommends to the Commission that they approve the conditional use permit with changed conditions.

Mr. Hillier made a motion to approve the petition with the following conditions:

- 1) No outside storage of motorcycles waiting to be fixed;
- 2) No outside storage of junk motorcycles or parts;
- 3) The permit expires in May, 1989.

The junk cars on petitioner's property will be addressed separately as a zoning violation and not as a condition of this permit. It was seconded by Mr. Shaw and passed unanimously.

There being no further business to discuss, the meeting was adjourned at 10:35 p.m. on a motion made by Mrs. Ulwelling, seconded by Mr. Wieland and passed unanimously.

Respectfully submitted,



Katie Losness
Assistant Planner